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Attention: Jeffrey H. Ingerman Esq.

11th November 1992

JHB/HM/30591

RECEIVED
PHILIP MORRIS MANAGEMENT CORP.
PATENT SECTION

Dear Jeff

NOV 17 1992

VOTED CH/P

Finnish Patent Application No. 839 525
Your Ref: PM 1322 (Finland)
Our File: 30591

A translation of yet another office action is enclosed. The term for reply will expire on 22nd January 1993.

The Examiner cites once again the prior art cited in the last action but discusses it in greater detail.

FI 863428 corresponds to EP 0212234 and to a large extent to US 4714082. The Examiner has misinterpreted some of the features from the prior art and perhaps equates them wrongly with features of the invention. The wrapper 47 that joins the fuel element to the capsule may be a conventional cigarette paper but it may also be a perforated ceramic paper or a metallic strip or tube. The Item 52 which the Examiner describes as an impermeable inner sleeve is in fact the metallic capsule. The Item 72 is a thick resilient jacket of insulating fibres which may or may not be permeable but is overwrapped with non-porous paper 73. What the Examiner identifies as an impermeable inner sleeve 74 is once again the metallic capsule in Fig.7. I have not yet managed to find the reference to perforated mica paper, which apparently appears on Finnish page 31 which I do not have and could not in any case read. Presumably we must explain to the Examiner the characteristics and function of all these items in the cited document so as to distinguish from the items in the present invention with which he compares them.

Items 12 and 13 in the US reference are both parts of the metallic capsule. 12 is the regular wall and 13 are finger like projections which grip the fuel element. It is a misuse of language to speak of these fingers as a permeable sleeve.

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2.

In EP 264195 the fuel element is supported inside a porous ceramic cylindrical element or sleeve, and held therein by internal longitudinal ribs defining longitudinal channels 22. It is difficult to equate this with any item in the present specification since it is the ceramic sleeve 18 that is impregnated with the flavour and aerosol generator. Thus one cannot find an impermeable sleeve portion near the flavour generator - the structure is such that this is impossible and indeed meaningless.

Please let me have your comments on these various aspects of the case.

Yours sincerely

J.H.Bass

cc. James E.Schardt Esq - Philip Morris Mgt. Corp.

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